

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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WEGMANS FOOD MARKETS, INC.,

Plaintiff,

ORDER TO SHOW CAUSE

06-CV-6059L

v.

ANCOMA, INC., et al.,

Defendants.


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Plaintiff, Wegmans Food Markets, Inc. (“Wegmans”), filed a complaint for interpleader on January 30, 2006. On that same day, Wegmans moved, *ex parte*, for this Court to treat this case as a proper interpleader action and direct the United States Marshal to serve the numerous defendants listed in the complaint. The *ex parte* motion is denied, and Wegmans is ORDERED TO SHOW CAUSE before this Court by submitting affidavits and a memorandum of law as to why this case is a proper interpleader action. Wegmans is directed to respond on or before March 10, 2006.

Wegmans should be prepared to address the elements for a proper interpleader action and why this action is not similar to the following cases where interpleader was denied. *See North American Marketing Corp. v. K. Gronbach & Assoc., Inc.*, 221 F.R.D. 296 (D. Conn. 2002); *Bradley v. Kochenash*, 44 F.3d 166 (2d Cir. 1995).

Upon receipt of the submissions, the Court will determine if oral argument is necessary.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
February 22, 2006.